

Applicant	Summit Montessori of Fort Lauderdale/Just for Kids	
Request	ROW Vacation	
Location	North of Davie Boulevard, South of 11 Court, East of I-95, as shown on the attached location map as Exhibit 1 .	
Legal Description	A portion of SW 18th Avenue between SW 11 Court and Davie Boulevard, Riverside Park Addition P.B. 10, P. 37.	
Property Size	Approximately 8,350 s.f. or 0.2 acres	
Zoning	CF-H	
Existing Land Use	Public right-of-way	
Future Land Use Designation	Medium Residential	
Comprehensive Plan Consistency	N/A	
Applicable ULDR Sections	Sec. 47-24.6, Vacation of Right-of-Way	
Notification Requirements	Sign Posting 15 days prior to meeting; Mail Notice 10 days prior to meeting.	
Other Required Approval	City Commission	
Action Required	<ul style="list-style-type: none">• Recommend Approval of the Vacation; or,• Deny the Application.	
Project Planner	Name and Title	Initials
	James Cromar, Planner III	
	Authorized By	
	Greg Brewton, Deputy Planning and Zoning Director	
Approved By	Marc LaFerrier, Planning and Zoning Director	

Request:

The applicant requests the vacation of a portion of SW 18 Avenue, an area approximately 50 feet by 167 feet (50' x 167') located between Davie Boulevard and SW 11 Court, east of I-95 and west of SW 15 Avenue. The applicant is requesting the vacation to consolidate the operations of two facilities for children.

This request went before the Development Review Committee (DRC) at the February 10, 2004 meeting; the applicant has addressed all comments. On May 15, 2003, the Property and Right-of-Way (PROW) Committee recommended approval subject to the retention of a utility easement over the full width of the right-of-way with maintenance access for City vehicles.

TECO Peoples Gas and FPL indicated that they have no objection to the vacation as long as there is an easement in the new plat. BellSouth has no objection to the vacation as long as the applicant pay for relocation of their facilities currently in the right-of-way or provide a utility easement over this area. Comcast has no objection to the easement.

Staff Determination:

The applicant addressed the request for the right-of-way vacation in relation to the criteria in ULDR Sec. 47-24.6. Staff does not agree with the applicant's statement that the proposed vacation meets the criterion that, "The right-of-way or other public place is no longer needed for public purposes." (Sec 47-24.6.A.4.a)

Since the initial submittal of this application two years ago, staff has taken the position that the best interest of the City is not to vacate its rights-of-way since there might be a need for the right-of-way in the future. Staff is concerned about ROW access to meet future demands on the roadway network, and whether the vacation allows a consolidation of property that future owners can use to redevelop the property at a larger scale than the two smaller parcels would support.

The applicant stated that they have the opportunity to consolidate the licenses for two facilities with the ROW vacation, and that all other existing conditions will not change. The Board must decide whether the applicant's statement is sufficient reason for the City to permanently vacate this right-of-way.

Should the Board approve the proposed vacation, staff proposes the following conditions:

1. A utility easement shall be retained within the vacated segment of the alley.
2. If any relocations are required, the full cost shall be borne by the applicant and the relocation plan shall be reviewed and approved by the Engineering Department.
3. Final DRC approval.

Planning and Zoning Board Review Options:

1. *If the Planning and Zoning Board determines that the application meets the criteria for vacation and recommends approval of the vacation, the recommendation shall be forwarded to the City Commission for consideration.*
2. *If the Planning and Zoning Board determines that the criteria have not been met, the board shall deny the application and the procedures for appeal to the city commission as provided in Section 47-26B, Appeals, shall apply.*